

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL TASH**, on April 9, 1999 at 3:30 P.M., in Room 437 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Bill Tash, Chairman (R)  
Rep. Hal Harper, Vice Chairman (D)  
Rep. Cindy Younkin, Vice Chairman (R)  
Rep. Rod Bitney (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Dan McGee (R)  
Rep. Karl Ohs (R)  
Rep. Scott J. Orr (R)  
Rep. Bob Raney (D)  
Rep. Jay Stovall (R)  
Rep. Carley Tuss (D)  
Rep. Doug Wagner (R)

**Members Excused:** Rep. Rick Dale (R)  
Rep. Bill Eggers (D)  
Rep. Ron Erickson (D)  
Rep. David Ewer (D)  
Rep. Douglas Mood (R)  
Rep. Bob Story (R)

**Members Absent:** None.

**Staff Present:** Todd Everts, Legislative Branch  
Deb Thompson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SJ 18, SJ 20, 4/7/99  
Executive Action: SJ 18, SJ 20

**HEARING ON SENATE JOINT RESOLUTION 18**

**Sponsor:** Sen. Bea McCarthy, SD 29, presented the resolution. She explained the need to conduct an interim study of MEPA, which had been originally enacted in 1972.

**Proponents:** Don Allen, Western Environmental Trade Association, spoke in support of the resolution. He said it was important for the MEPA process to be looked at. This bill would allow the process to be assessed at how to make it work better, be cost effective and legally defensible. **{Tape : 1; Side : A; Approx. Time Counter : 2.5 - 4.3}**

Anne Hedges, representing the Montana Environmental Information Center, spoke in support of the bill. She said it made sense to put definitions in statute. **{Tape : 1; Side : A; Approx. Time Counter : 4.3 - 5.2}**

Steve Bullock, representing Attorney General Joe Mazurek, spoke as a proponent. He said this was an important law and public involvement was good. **{Tape : 1; Side : A; Approx. Time Counter : 5.2 - 6.5}**

Bill Snoddy, representing 7-Up Pete Joint Venture, McDonald Gold Project near Lincoln, spoke in support of the bill. He described their experience with MEPA and working through the permitting process. He felt the MEPA intent was excellent. He noted the MEPA handbook says they should encourage and foster economic development that is environmentally and socially sound. However, there has been a loss of that intent and purpose in MEPA to encourage and foster economic development that is economically and socially sound. It has become a tool for obstructionism and a way to delay progress and development. He stated they supported this resolution as they had HB 142 and SB 413. **{Tape : 1; Side : A; Approx. Time Counter : 6.6 - 7.6}**

Janet Ellis, representing Montana Audubon, said they did not think MEPA was as broken as some of the other proponents felt. She pointed out the importance of having a thoughtful discussion and examination of MEPA and EQC was the proper body to do that. **{Tape : 1; Side : A; Approx. Time Counter : 6.6 - 8}**

Mark Simonich, Director Department of Environmental Quality, spoke in support of the resolution. He advised that the legislature, in making suggestions to EQC, suggest that this be its only priority to study this interim session. The issue of MEPA is so vitally important to Montana and the protection of our environment and the development of our resources. It does deserve a comprehensive, in-depth study by the Environmental

Quality Council. He described the work done by DEQ. **{Tape : 1; Side : A; Approx. Time Counter : 8 - 10.8}**

Rep. Tash rose as a proponent to SJ 18. He noted he was a member of the Environmental Quality Council and this was a worthwhile project. **{Tape : 1; Side : A; Approx. Time Counter : 10.8 - 12.7}**

**Opponents:** None.

**Questions from Committee Members and Responses:** **{Tape : 1; Side : A; Approx. Time Counter : 12.7 - 21}**

**Closing by Sponsor:** Sen. McCarthy closed.

#### **EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 18**

Rep. Curtiss **MOVED DO CONCUR** SJ 18. The question was called. The motion **PASSED** unanimously.

#### **HEARING ON SENATE JOINT RESOLUTION 20**

**Sponsor:** Sen. Bea McCarthy presented SJ 20. She discussed the River Governance Committee that met in Spokane, Washington. She said Montana had been asked to support the Idaho position. **{Tape : 1; Side : A; Approx. Time Counter : 21.6 - 28.6}**

**Proponents:** Don MacIntyre, attorney for Department of Natural Resources, spoke in support of the resolution. He described the complexity of the issue. He spoke of the need for science based decision making. **{Tape : 1; Side : A; Approx. Time Counter : 28.6 - 32.6}**

Deborah Smith, Vice Chairman of the Northwest Energy Coalition, spoke as a proponent. **{Tape : 1; Side : A; Approx. Time Counter : 32.7 - 33}**

Rep. Bill Tash, spoke in support of the resolution. He described the meetings in Idaho. **{Tape : 1; Side : B; Approx. Time Counter : 1.2 - 4.1}**

Rep. Aubyn Curtiss, spoke in favor of the resolution. She described the recreational concerns regarding draw-downs. She pointed out Idaho had determined that flushing was not an effective way to enhance salmon production. Part of the problem

had been predatory birds and the unlimited harvest by the Tribes.  
**{Tape : 1; Side : B; Approx. Time Counter : 4.1 - 7.5}**

Rep. Harper spoke in favor of the legislation. He discussed fish types and the controversy over how to preserve endangered fish. He said flushing had been examined as an option as well as channels for smelts with varying degrees of success. **{Tape : 1; Side : B; Approx. Time Counter : 7.5 - 12.3}**

**Opponents:** None.

**Informational Witness:** Mike Murphy, Montana Water Resources Association, spoke about concerns regarding state sovereignty regarding water resources. **{Tape : 1; Side : B; Approx. Time Counter : 12.3 - 14.2}**

Mark Weller, representing Bonneville Power, spoke in favor of the resolution. **{Tape : 1; Side : B; Approx. Time Counter : 14.2 - 17}**

**Questions from Committee Members and Responses:** **{Tape : 1; Side : B; Approx. Time Counter : 17 - 24.9}**

**Closing by Sponsor:** Sen. McCarthy closed.

#### **EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 20**

Rep. Raney **MOVED DO CONCUR**. He **MOVED** the amendment. The question was called on the amendment. The motion **PASSED** unanimously. The question was called on the bill as amended. The motion **PASSED** unanimously.

**ADJOURNMENT**

Adjournment: 4:00 P.M.

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REP. BILL TASH, Chairman

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DEB THOMPSON, Secretary

BT/DT

**EXHIBIT (nah77aad)**